



Senate

General Assembly

File No. 274

January Session, 2005

Substitute Senate Bill No. 1058

Senate, April 12, 2005

The Committee on Transportation reported through SEN. CIOTTO of the 9th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING BILLBOARDS, VISION SCREENING, DRIVER LICENSE AND EMISSIONS FRAUD, AND THE EMISSIONS ENTERPRISE FUND.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 13a-123 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2005*):

4 (a) The erection of outdoor advertising structures, signs, displays or
5 devices within six hundred sixty feet of the edge of the right-of-way,
6 the advertising message of which is visible from the main traveled way
7 of any portion of the National System of Interstate and Defense
8 Highways, hereinafter referred to as interstate highways, the primary
9 system of federal-aid highways or other limited access state highways,
10 is prohibited except as otherwise provided in or pursuant to this
11 section, and except that those outdoor advertising signs, displays and
12 devices which are more than six hundred sixty feet off the nearest edge

13 of the right-of-way, located outside of urban areas, visible from the
14 main traveled way of the system and erected with the purpose of their
15 message being read from such main traveled way are prohibited. The
16 erection of outdoor advertising structures, signs, displays or devices
17 within the right-of-way, of any portion of an interstate highway, the
18 primary system of federal-aid highways or other limited access state
19 highways, is prohibited.

20 Sec. 2. Section 21-52 of the general statutes is repealed and the
21 following is substituted in lieu thereof (*Effective July 1, 2005*):

22 [(a) The fee for an application for a permit to erect or maintain any
23 outdoor advertising structure, device or display shall be as follows: For
24 each panel, bulletin, or sign containing less than three hundred square
25 feet of advertising space, fifty dollars; and for each panel, bulletin or
26 sign containing three hundred square feet or more of advertising
27 space, one hundred dollars.]

28 (a) A nonrefundable application fee of two hundred dollars shall be
29 required for a permit to erect or maintain any outdoor advertising
30 structure, device or display.

31 (b) The annual fee for such permit shall be as follows: For each
32 panel, bulletin or sign containing three hundred square feet or less of
33 advertising space, [twenty] one hundred dollars; for each panel,
34 bulletin or sign containing more than three hundred and not more
35 than six hundred square feet of advertising space, [forty] two hundred
36 dollars; and for each panel, bulletin or sign containing more than six
37 hundred square feet and not more than nine hundred square feet of
38 advertising space, [sixty] three hundred dollars. No sign shall be
39 erected which contains more than nine hundred square feet of
40 advertising space. A fee shall be paid for each side of each panel,
41 bulletin or sign used for advertising, provided, if two panels, bulletins
42 or signs advertising the same products or services are attached to the
43 same support or supports, only one annual permit fee shall be paid for
44 each side thereof and the total advertising space on each side thereof
45 shall be used for computing the annual permit fee of each panel,

46 bulletin or sign. The annual permit fee for any part of a year shall bear
47 the same proportion to the annual permit fee for an entire year that the
48 number of months in such part bears to the entire year.

49 Sec. 3. Subsection (a) of section 14-41 of the general statutes is
50 repealed and the following is substituted in lieu thereof (*Effective July*
51 *1, 2005*):

52 (a) Except as provided in section 14-41a, each motor vehicle
53 operator's license shall be renewed every six years or every four years
54 on the date of the operator's birthday in accordance with a schedule to
55 be established by the commissioner. On and after July 1, [2005] 2007,
56 the Commissioner of Motor Vehicles shall screen the vision of each
57 motor vehicle operator prior to every other renewal of the operator's
58 license of such operator in accordance with a schedule adopted by the
59 commissioner. Such screening requirement shall apply to every other
60 renewal following the initial screening. In lieu of the vision screening
61 by the commissioner, such operator may submit the results of a vision
62 screening conducted by a licensed health care professional qualified to
63 conduct such screening on a form prescribed by the commissioner
64 during the twelve months preceding such renewal. No motor vehicle
65 operator's license may be renewed unless the operator passes such
66 vision screening. The commissioner shall adopt regulations, in
67 accordance with the provisions of chapter 54, to implement the
68 provisions of this subsection relative to the administration of vision
69 screening.

70 Sec. 4. Section 14-43 of the general statutes is repealed and the
71 following is substituted in lieu thereof (*Effective July 1, 2005*):

72 (a) As used in this section:

73 (1) "License fraud" means (A) the presentation of a document to the
74 Commissioner of Motor Vehicles, in connection with an application for
75 a motor vehicle operator's license or an identity card authorized in
76 section 1-1h, as amended by this act, that is a forged instrument, as
77 defined in section 53a-137, or is known by the applicant or individual

78 presenting the document to contain false information concerning the
79 applicant; (B) procuring, attempting to procure or receiving a motor
80 vehicle operator's license or identity card from the Department of
81 Motor Vehicles or from any employee or agent of the department, by
82 unlawful action; or (C) misrepresentation or impersonation to obtain a
83 motor vehicle operator's license or identity card for another person.

84 (2) "Unlawful action" means any intentional action or conduct to
85 avoid or circumvent the legal requirements or the procedures
86 established by the Commissioner of Motor Vehicles for any person to
87 be issued a valid motor vehicle operator's license or identity card.

88 [(a)] (b) An operator's license or identity card issued upon an
89 application containing any material false statement or obtained by
90 license fraud or by unlawful action is void from the date of its issue
91 and shall be surrendered, on demand, to the commissioner or to any
92 sworn law enforcement officer. Any moneys paid for the license or the
93 identity card shall be forfeited to the state.

94 [(b) No person shall obtain or attempt to obtain any license for
95 another by misrepresentation or impersonation and any license
96 obtained by misrepresentation or impersonation is void.]

97 (c) Any person who [violates any provision of this section and any
98 person who] fails to surrender [a falsely obtained] an operator's license
99 or identity card that was falsely obtained or obtained by license fraud
100 or unlawful action upon the demand of the commissioner or a law
101 enforcement officer shall be fined not more than [two] five hundred
102 dollars.

103 (d) Any person who engages in license fraud or in an unlawful
104 action shall be guilty of a class D felony.

105 Sec. 5. Section 1-1h of the general statutes is repealed and the
106 following is substituted in lieu thereof (*Effective July 1, 2005*):

107 (a) Any person who does not possess a valid motor vehicle
108 operator's license may apply to the Department of Motor Vehicles for

109 an identity card. The application for an identity card shall be
110 accompanied by the birth certificate of the applicant or a certificate of
111 identification of the applicant issued and authorized for such use by
112 the Department of Correction. Such application shall include: (1) The
113 applicant's name; (2) the applicant's address; (3) whether the address is
114 permanent or temporary; (4) the applicant's birthdate; (5) the
115 applicant's federal Social Security account number; ~~(6)~~ notice to the
116 applicant that false statements on such application are punishable
117 under section 53a-157b; and ~~[(6)]~~ (7) such other pertinent information
118 as the Commissioner of Motor Vehicles deems necessary. A fee of
119 fifteen dollars shall be paid to the department upon issuance to the
120 applicant of an identity card which contains a picture of the applicant
121 and specifies the applicant's height, sex and eye color. The applicant
122 shall sign the application in the presence of an official of the
123 department. The commissioner may waive the fifteen-dollar fee for
124 any applicant who has voluntarily surrendered such applicant's motor
125 vehicle operator's license or whose license has been refused by the
126 commissioner pursuant to subdivision (4) of subsection (e) of section
127 14-36, as amended by this act.

128 (b) An identity card shall expire within a period not exceeding four
129 years from the date of issuance of such card. Each such card shall
130 indicate its date of expiration. Any person who holds an identity card
131 may renew such card in such manner as the commissioner shall
132 prescribe upon payment of a fee of fifteen dollars.

133 (c) A distinctive identity card shall be issued to any applicant less
134 than twenty-one years of age. The identity card shall contain a
135 statement that it is issued subject to the same verification of the
136 applicant's identity as required for the issuance of a motor vehicle
137 operator's license. The card may thereafter be exhibited to establish the
138 age and identity of the person to whom it was issued.

139 (d) The Commissioner of Motor Vehicles, in consultation with the
140 Liquor Control Commission, shall adopt regulations, in accordance
141 with the provisions of chapter 54, to carry out the purposes of this

142 section and section 30-86.

143 (e) Any person who misrepresents his age or practices any other
144 deceit in the procurement of an identity card, or uses or exhibits an
145 identity card belonging to any other person, shall be fined not more
146 than fifty dollars or imprisoned not more than thirty days or both.

147 (f) Any person who engages in license fraud or unlawful action, as
148 defined in subsection (a) of section 14-43, as amended by this act, in the
149 procurement or in any attempt to procure an identity card, shall be
150 subject to the penalty provided by subsection (d) of section 14-43, as
151 amended by this act.

152 Sec. 6. Section 4a-78 of the general statutes is repealed and the
153 following is substituted in lieu thereof (*Effective July 1, 2005*):

154 It is the policy of the state to require persons applying for a license,
155 selling goods or services [] or leasing real or personal property to a
156 public agency, [or, after October 1, 2001, registering any motor vehicle
157 with the Commissioner of Motor Vehicles] to furnish a federal Social
158 Security account number or federal employer identification number or
159 both, if available, to establish the identification of persons affected by
160 the tax laws of the state and for that purpose only to treat public
161 agencies as having an administrative responsibility for the tax laws of
162 the state.

163 Sec. 7. Subsection (e) of section 14-36 of the general statutes is
164 repealed and the following is substituted in lieu thereof (*Effective July*
165 *1, 2005*):

166 (e) (1) No motor vehicle operator's license shall be issued until (A)
167 the applicant signs and files with the commissioner an application
168 under oath, except that renewals from the year immediately preceding
169 need not be under oath, stating such information as the commissioner
170 requires, and (B) the commissioner is satisfied that the applicant is
171 sixteen years of age or older and is a suitable person to receive the
172 license. (2) An applicant for a new motor vehicle operator's license

173 shall, in the discretion of the commissioner, file, with the application, a
174 copy of such applicant's birth certificate or other prima facie evidence
175 of date of birth and evidence of identity, including, but not limited to,
176 the applicant's federal Social Security account number. (3) Before
177 granting a license to any applicant who has not previously held a
178 Connecticut motor vehicle operator's license, or who has not operated
179 a motor vehicle during the preceding two years, the commissioner
180 shall require the applicant to demonstrate personally to the
181 commissioner, a deputy or a motor vehicle inspector or an agent of the
182 commissioner, in such manner as the commissioner directs, that the
183 applicant is a proper person to operate motor vehicles of the class for
184 which such applicant has applied, has sufficient knowledge of the
185 mechanism of the motor vehicles to ensure their safe operation by him
186 or her and has satisfactory knowledge of the laws concerning motor
187 vehicles and the rules of the road. If any such applicant has held a
188 license from a state, territory or possession of the United States where
189 a similar examination is required, or if any such applicant is a person
190 honorably separated from the United States armed forces who applies
191 within two years following the separation and who, prior to the
192 separation, held a military operator's license for motor vehicles of the
193 same class as that for which such applicant has applied, the
194 commissioner may waive part or all of the examination. When the
195 commissioner is satisfied as to the ability and competency of any
196 applicant, the commissioner may issue to such applicant a license,
197 either unlimited or containing such limitations as the commissioner
198 deems advisable, and specifying the class of motor vehicles which the
199 licensee is eligible to operate. (4) If any applicant or operator license
200 holder has any health problem which might affect such person's ability
201 to operate a motor vehicle safely, the commissioner may require the
202 applicant or license holder to demonstrate personally or otherwise
203 establish that, notwithstanding such problem, such applicant or license
204 holder is a proper person to operate a motor vehicle, and the
205 commissioner may further require a certificate of such applicant's
206 condition, signed by a medical authority designated by the
207 commissioner, which certificate shall in all cases be treated as

208 confidential by the commissioner. A license, containing such limitation
209 as the commissioner deems advisable, may be issued or renewed in
210 any case, but nothing in this section shall be construed to prevent the
211 commissioner from refusing a license, either limited or unlimited, to
212 any person or suspending a license of a person whom the
213 commissioner determines to be incapable of safely operating a motor
214 vehicle. Consistent with budgetary allotments, each motor vehicle
215 operator's license issued to or renewed by a deaf or hearing impaired
216 person shall, upon the request of such person, indicate such
217 impairment. Such person shall submit a certificate stating such
218 impairment, in such form as the commissioner may require and signed
219 by a licensed health care practitioner. (5) The issuance of a motor
220 vehicle operator's license to any applicant who is the holder of a
221 license issued by another state shall be subject to the provisions of
222 sections 14-111c and 14-111k.

223 Sec. 8. Section 14-36d of the general statutes is repealed and the
224 following is substituted in lieu thereof (*Effective July 1, 2005*):

225 (a) Except as provided in subsections (b) and (c) of this section and
226 subject to the provisions of section 14-41, the commissioner shall issue
227 a motor vehicle operator's license containing a picture of the licensee.
228 The license shall be of such form and content as the commissioner may
229 prescribe and shall be signed by the licensee. The commissioner may
230 acquire, by lease or purchase, and install at offices of the Department
231 of Motor Vehicles and at such other locations where operator's licenses
232 are renewed, such equipment as may be necessary to carry out the
233 provisions of this section.

234 (b) The Commissioner of Motor Vehicles shall, upon the first
235 issuance of a motor vehicle operator's license to any person less than
236 twenty-one years of age, issue a license containing a picture of the
237 licensee. Such license shall indicate the date of such person's twenty-
238 first birthday, be of such form and content as the commissioner may
239 prescribe and be signed by the licensee.

240 [(c) The commissioner may issue a temporary license without a

241 picture of the licensee to out-of-state applicants, to members of the
242 armed forces and in such other situations as the commissioner finds
243 necessary, provided a temporary license shall be valid only until the
244 applicant has had time to appear and to have his picture taken and a
245 license containing his picture issued.]

246 (c) The commissioner may not issue a license, authorized in
247 accordance with section 11 of this act, or an identity card, authorized in
248 accordance with the provisions of section 1-1h, as amended by this act,
249 unless it contains a picture of the holder of the license or identity card.
250 A temporary license issued in accordance with the provisions of
251 section 11 of this act may, in the discretion of the commissioner,
252 contain a picture. The picture may be in the form of a computerized
253 image or may be created and stored by other electronic means or
254 methods. If the commissioner has reason to believe that an applicant
255 for a license or card already has been issued a license or identity card
256 or if the applicant's picture is contained in the electronic record of a
257 license or identity card that has been issued to another person, the
258 commissioner may refuse to issue a license or identity card or may
259 suspend or revoke a license or identity card that has been issued, or
260 both.

261 (d) If the commissioner has reason to believe that a person is the
262 holder of more than one card or one license, except for a duplicate
263 license issued pursuant to section 14-50a, the commissioner shall, in
264 addition to any other actions authorized by law, suspend or revoke all
265 licenses or cards that have been issued to the person.

266 Sec. 9. (NEW) (*Effective July 1, 2005*) (a) A person commits a motor
267 vehicle emissions inspection crime when the person violates any of the
268 provisions of this section.

269 (b) A person is guilty of the motor vehicle emissions inspection
270 crime of fraudulent testing when the person knowingly performs or
271 causes to be performed an official emissions inspection, pursuant to
272 the provisions of section 14-164c of the general statutes, in any manner
273 or by any means that allows a motor vehicle to pass or to fail the

274 inspection without regard to the actual inspection results that are
275 obtained or would be obtained by following and by applying the
276 established inspection procedures and standards.

277 (c) A person is guilty of the motor vehicle emissions inspection
278 crime of test data manipulation when the person, having access to the
279 electronic database for the performance of official emissions
280 inspections established and maintained by the Department of Motor
281 Vehicles, knowingly enters and transmits, or causes to be entered and
282 transmitted information concerning a motor vehicle or the emissions
283 inspection of a motor vehicle that is false or that is inapplicable to the
284 motor vehicle or the inspection that is identified in the transmission.

285 (d) A person is guilty of the motor vehicle emissions inspection
286 crime of bribery concerning an emissions inspection if the person
287 promises, offers, confers or agrees to confer upon an official emissions
288 inspection station or person authorized to conduct an emissions
289 inspection any benefit, as defined in section 53a-146 of the general
290 statutes, as consideration for the recipient's action of obtaining or of
291 attempting to obtain a passing result in connection with the emissions
292 inspection of a motor vehicle.

293 (e) A person is guilty of the motor vehicle emissions inspection
294 crime of bribe receiving concerning an emissions inspection if the
295 person solicits, accepts or agrees to accept from another person, any
296 benefit, as defined in section 53a-146 of the general statutes, for,
297 because of, or as consideration for the person's action of obtaining or of
298 attempting to obtain a passing result in connection with the emissions
299 inspection of a motor vehicle.

300 (f) A person is guilty of the motor vehicle emissions inspection
301 crime of coercion of repairs concerning an emissions inspection if the
302 person, acting by or on behalf of an official emissions inspection
303 station or claiming the authority so to act, makes a demand that a
304 motor vehicle have repairs made to it by the inspection station as a
305 condition to the performance by the station of an emissions inspection.
306 As used in this subsection, a "demand" includes any statement to the

307 effect that a motor vehicle will not pass inspection or is not likely to
308 pass inspection unless repairs are first made by the inspection station,
309 but does not include any statement concerning the need for repairs if
310 the statement includes the advice that the repairs may be made by the
311 owner or by the person in custody of the motor vehicle or by any
312 person or firm chosen by the owner or person having custody of the
313 motor vehicle.

314 (g) A motor vehicle emissions inspection crime is a class D felony.

315 Sec. 10. (NEW) (*Effective July 1, 2005*) Each federal Social Security
316 account number that is furnished to the Commissioner of Motor
317 Vehicles in connection with the application for a motor vehicle
318 operator's license, in accordance with subsection (e) of section 14-36 of
319 the general statutes, as amended by this act, or an identity card, in
320 accordance with section 1-1h of the general statutes, as amended by
321 this act, shall be checked against the records of the United States Social
322 Security Administration. The commissioner may refuse to issue a
323 motor vehicle operator's license or an identity card, or may suspend or
324 revoke the license or identity card that has been issued, if the Social
325 Security account number furnished by the applicant does not match
326 the number as on file with and reported by the United States Social
327 Security Administration. The commissioner shall inform each
328 applicant who is not issued an operator's license or an identity card
329 and each holder of a license or identity card whose operator's license
330 or identity card is suspended or revoked pursuant to the requirements
331 of this section as to the steps that may be taken by the applicant or
332 license or card holder to resolve the discrepancy or problem that is
333 indicated concerning the applicant's federal Social Security account
334 number.

335 Sec. 11. (NEW) (*Effective July 1, 2005*) The Commissioner of Motor
336 Vehicles shall not grant an application for a motor vehicle operator's
337 license or an identity card or issue such a license or identity card to any
338 person until all the information required in the application by the
339 commissioner to establish the identity of the person has been furnished

340 and reviewed, in accordance with such methods and procedures as
341 may be established by the commissioner. If an applicant for a motor
342 vehicle operator's license meets the requirements of section 14-36 of the
343 general statutes, as amended by this act, and pays the fees required by
344 sections 14-41 and 14-50 of the general statutes, as applicable, the
345 commissioner may, pending the verification of information concerning
346 the applicant's identity, issue a temporary license to the applicant. The
347 temporary license shall entitle the applicant to operate a motor vehicle
348 on any highway of this state and shall be valid for a period established
349 by the commissioner, but not more than sixty days. A temporary
350 license issued shall bear on its face the legend "Temporary" and the
351 date of expiration.

352 Sec. 12. (NEW) (*Effective July 1, 2005*) Any person aggrieved by a
353 decision of the Commissioner of Motor Vehicles made pursuant to
354 section 1-1h, 4a-78, 14-36, 14-36d or 14-43 of the general statutes, as
355 amended by this act, shall be afforded an opportunity for an
356 administrative hearing conducted in accordance with chapter 54 of the
357 general statutes.

358 Sec. 13. (NEW) (*Effective from passage*) (a) The Department of Motor
359 Vehicles shall (1) require each applicant for a position of employment
360 with the Department of Motor Vehicles to state whether the applicant
361 has ever been convicted of a crime, to state whether criminal charges
362 are pending against the applicant at the time of the application and, if
363 so, to identify the charges and court in which they are pending, and (2)
364 require each such applicant, if offered employment with the
365 department, to be fingerprinted and to submit to state and national
366 criminal history records checks. The criminal history records checks
367 required pursuant to this section shall be conducted in accordance
368 with section 29-17a of the general statutes.

369 (b) The commissioner may adopt regulations, in accordance with
370 chapter 54 of the general statutes, to implement the provisions of this
371 section.

372 Sec. 14. Section 14-164m of the general statutes is repealed and the

373 following is substituted in lieu thereof (*Effective July 1, 2005*):

374 Notwithstanding the provisions of section 13b-61, commencing on
 375 July 1, [2001] 2007, and on the first day of each October, January, April
 376 and July thereafter, the State Comptroller shall transfer from the
 377 Special Transportation Fund into the Emissions Enterprise Fund, one
 378 million six hundred twenty-five thousand dollars of the funds received
 379 by the state pursuant to the fees imposed under sections 14-49b and 14-
 380 164c. Notwithstanding the provisions of section 13b-61, on July 1, 2005,
 381 October 1, 2005, January 1, 2006, and April 1, 2006, the State
 382 Comptroller shall transfer from the Special Transportation Fund into
 383 the Emissions Enterprise Fund, four hundred thousand dollars of the
 384 funds received by the state pursuant to the fees imposed under
 385 sections 14-49b and 14-164c. Notwithstanding the provisions of section
 386 13b-61, on July 1, 2006, October 1, 2006, January 1, 2007, and April 1,
 387 2007, the State Comptroller shall transfer from the Special
 388 Transportation Fund into the Emissions Enterprise Fund, one million
 389 dollars of the funds received by the state pursuant to the fees imposed
 390 under sections 14-49b and 14-164c.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2005</i>	13a-123(a)
Sec. 2	<i>July 1, 2005</i>	21-52
Sec. 3	<i>July 1, 2005</i>	14-41(a)
Sec. 4	<i>July 1, 2005</i>	14-43
Sec. 5	<i>July 1, 2005</i>	1-1h
Sec. 6	<i>July 1, 2005</i>	4a-78
Sec. 7	<i>July 1, 2005</i>	14-36(e)
Sec. 8	<i>July 1, 2005</i>	14-36d
Sec. 9	<i>July 1, 2005</i>	New section
Sec. 10	<i>July 1, 2005</i>	New section
Sec. 11	<i>July 1, 2005</i>	New section
Sec. 12	<i>July 1, 2005</i>	New section
Sec. 13	<i>from passage</i>	New section
Sec. 14	<i>July 1, 2005</i>	14-164m

TRA *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note and OLR Bill Analysis

sSB-1058

AN ACT CONCERNING BILLBOARDS, VISION SCREENING, DRIVER LICENSE AND EMISSIONS FRAUD, AND THE EMISSIONS ENTERPRISE FUND

OFA FISCAL IMPACT:

State Impact:

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Department of Public Utilities Control	GF - None	None	None
Judicial Department	GF - Revenue Gain	See Below	See Below
Criminal Justice Agencies	GF - Cost	Potential	Potential
Department of Motor Vehicles	TF - Gain	\$4.9 Million	\$2.5 Million
Emissions Enterprise Fund, DMV	SF - Loss	(\$4.9 Million)	(\$2.5 Million)
Department of Motor Vehicles	TF - Cost Savings	\$1,015,688	\$1,001,178
Department of Transportation	TF - Revenue Gain	\$355,120	\$355,120

Note: GF = General Fund; TF=Transportation Fund

Municipal Impact: None

Explanation

A section-by-section fiscal impact analysis is presented in conjunction with the bill summary.

OLR SUMMARY:

This bill:

1. makes it a class D felony to engage in license fraud or an unlawful action relating to the issuance of a driver’s license or non-driver photo identification card and defines these crimes;

2. creates five crimes relating to emissions testing, including fraudulent testing, test data manipulation, bribery and bribe receiving concerning an emissions inspection, and coercion of repairs and designates them as class D felonies;
3. significantly revises procedures the Department of Motor Vehicles (DMV) must follow when issuing new driver's licenses and non-driver photo ID cards and requires the commissioner to collect an applicant's Social Security number and verify it with the U.S. Social Security Administration;
4. specifies actions the commissioner may take when he finds that an applicant's picture appears in another person's electronic record or when he believes an applicant has already been issued a license or ID card;
5. requires the commissioner to provide administrative hearings to parties aggrieved by his decisions regarding driver's licenses, photo ID cards, and fraudulent or unlawful activities relating to their issuance;
6. requires prospective DMV employees to state whether they have been convicted of a crime or have criminal charges pending against them and requires them to submit to a state and national criminal record check;
7. postpones for two years, until July 1, 2007, the requirement that all licensed drivers undergo a vision screening for every second license renewal;
8. decreases the quarterly transfers of \$1,625,000 from the Special Transportation Fund to the Emission Enterprise Fund to \$400,000 per quarter for the four transfers in FY 06 and to \$1,000,000 per quarter for the four transfers in FY 07;
9. increases fees for Department of Transportation (DOT) permits for outdoor advertising structures and displays and codifies current DOT policy prohibiting erection of such structures

within the right-of-way of interstate, primary, and other limited-access state highways; and

10. eliminates a requirement that applicants for motor vehicle registrations provide DMV with their Social Security numbers.

EFFECTIVE DATE: July 1, 2005, except for the requirements for criminal history checks for prospective DMV employees, which are effective upon passage.

§ 1 – Erection of Outdoor Advertising Structures

OFA Fiscal Impact:

State Impact:

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Department of Transportation	TF - None	None	None

Note: TF=Transportation Fund

Municipal Impact: None

Explanation

This section of the bill is not anticipated to result in any fiscal impact to the Department of Transportation. This section conforms the statute to current practice.

OLR Analysis

The bill codifies current DOT policy by prohibiting the erection of outdoor advertising structures, signs, displays, or devices within the right-of-way of any portion of a highway on the Interstate Highway System or the federal-aid primary system, or on any other limited-access state highway.

§ 2 – Fees for Outdoor Advertising Structures

OFA Fiscal Impact:

State Impact:

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Department of Transportation	TF - Revenue Gain	\$355,120	\$355,120

Note: TF=Transportation Fund

Municipal Impact: None

Explanation

This section of the bill increases fees for certain outdoor advertising. The table below breaks down the revenue gain from the fee increases.

Proposed Increase in Sign Permit fees – Outdoor Advertising							
Panel Size	Number of Panels	Current Law Fee Revenue		Proposed Fee Revenue		Revenue Gain	
0 to 300 sf	2,400	\$20	\$48,000	\$100	\$240,000	\$192,000	
301 to 600 sf	73	\$40	\$2,920	\$200	\$14,600	\$11,680	
601 to 900 sf	631	\$60	\$37,860	\$300	\$189,300	\$151,440	
Total	3104		\$88,780		\$443,900	\$355,120	

OLR Analysis

The bill increases the fees for DOT permits for outdoor advertising structures, devices, or displays. It increases the permit application fee from \$50 for each panel, bulletin, or sign of less than 300 square feet and \$100 for each panel, bulletin, or sign of 300 square feet or more to a uniform nonrefundable application fee of \$200, regardless of the size.

The bill also increases annual permit fees as follows:

1. from \$20 to \$100 for panels of 300 square feet or less,
2. from \$40 to \$200 for panels of 301-600 square feet, and
3. from \$60 to \$300 for panels of 601-900 square feet.

By law, no outdoor advertising panel may be more than 900 square

feet.

§ 3 – Postponement of Vision Screening Requirement

OFA Fiscal Impact:

State Impact:

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Department of Motor Vehicles	TF - Cost Savings	\$1,015,688	\$1,001,178

Note: TF=Transportation Fund

Municipal Impact: None

OLR Analysis

The bill postpones for two years, until July 1, 2007, the requirement that all licensed drivers undergo a vision screening performed by DMV or by a qualified licensed health care professional prior to every second license renewal. Screenings performed by health care professionals must have been performed within the 12 months preceding the renewal.

§ 4 – Fraudulent or Unlawful Actions Relating to Drivers' Licenses and Non-driver Identification Cards

OFA Fiscal Impact:

State Impact:

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Department of Motor Vehicles	TF - None	None	None
Judicial Dept.	Various - Revenue Gain	Potential	Potential
Criminal Justice Agencies	GF - Cost	Potential	Potential

Note: TF=Transportation Fund; GF=General Fund

Municipal Impact: None

Explanation

This section of the bill is not anticipated to result in any fiscal impact to the Department of Motor Vehicles. The bill increases penalties for fraudulent or unlawful actions relating to drivers' licenses and non-driver ID cards. To the extent that these changes increase the likelihood that offenders would be prosecuted or receive harsher penalties, a potential revenue gain from criminal fines and potential cost for incarceration and/or probation supervision in the community exists. On average, it costs the state \$2,150 to supervise an offender on probation in the community as compared to \$35,040 to incarcerate the offender (note that both figures include fringe benefits).

OLR Analysis

The bill makes it a class D felony, punishable by a fine of up to \$5,000, imprisonment for one to five years, or both, for anyone to commit "license fraud" or an "unlawful action" relating to issuance of a driver's license or non-driver photo identification card. It defines "license fraud" as (1) presenting a document to the DMV in connection with an application for a license or ID card that is forged or is known by the applicant or person presenting the document to contain false information about the applicant; (2) procuring, attempting to procure, or receiving a license or ID card from DMV, its employees, or its agents by "unlawful action"; or (3) misrepresentation or impersonation to get a license or ID card for someone else. It defines "unlawful action" as any intentional action or conduct to avoid or circumvent the legal requirements or procedures established by the commissioner for issuing a license or ID card.

Current law makes any driver's license issued pursuant to an application containing a material false statement void from its date of issue and requires it to be surrendered to the commissioner on demand. The bill adds non-driver photo ID cards to this requirement, expands the requirement to cover licenses and ID cards obtained by license fraud or unlawful action, and requires them to be surrendered on demand to any sworn law enforcement officer as well as to the

commissioner. It also increases the fine for failing to surrender a license or ID card that has been inappropriately obtained from \$200 to \$500.

§§ 5 & 7 – Provision of Social Security Number by License and ID Card Applicants

OFA Fiscal Impact:

State Impact:

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Department of Motor Vehicles	TF - None	None	None

Note: TF=Transportation Fund

Municipal Impact: None

Explanation

Sections 5 and 7 of the bill are not anticipated to result in any fiscal impact to the Department of Motor Vehicles. These sections conform the statute to current practice.

OLR Analysis

The bill requires DMV to obtain the Social Security number of any applicant for a new driver's license or a non-driver photo ID card and record the number on the application. This conforms the law to current federal requirements for obtaining and verifying Social Security numbers of applicants for these documents.

§ 6 – Elimination of Requirement for Providing Social Security Number When Registering a Motor Vehicle

OFA Fiscal Impact:

State Impact:

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$

Department of Motor Vehicles	TF - None	None	None
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Note: TF=Transportation Fund

Municipal Impact: None

Explanation

This section of the bill is not anticipated to result in any fiscal impact to the Department of Motor Vehicles. This section is technical in nature and has no fiscal impact.

OLR Analysis

The bill eliminates a requirement that, as a matter of state policy, an applicant for a motor vehicle registration must provide a Social Security number or federal employer identification number, or both, if available. Another law requiring the motor vehicle commissioner to obtain these numbers from registration applicants was repealed in 2003, but this provision was inadvertently left unchanged.

§§ 8 & 10-11 – Revised Procedures for Issuing Drivers’ Licenses and Non-driver Photo Identification Cards

OFA Fiscal Impact:

State Impact:

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Department of Motor Vehicles	TF - None	None	None

Note: TF=Transportation Fund

Municipal Impact: None

Explanation

This section of the bill is not anticipated to result in any fiscal impact to the Department of Motor Vehicles. The department will be able to accommodate any additional administrative functions resulting from passage of the bill within its anticipated budgetary resources.

OLR Analysis

The bill significantly revises DMV's procedures for issuing new drivers' licenses and non-driver photo ID cards. It requires the commissioner to check the Social Security numbers he receives from drivers' license and ID card applicants against the records of the U.S. Social Security Administration. If the number provided by the applicant does not match the number on file and reported by the Social Security Administration, the bill allows the commissioner to refuse to issue the license or ID card or to suspend or revoke one that he has already issued. The bill requires the commissioner to inform the applicant whose license or ID card is not issued, suspended, or revoked due to a Social Security number discrepancy what steps he may take to resolve the issue.

The bill prohibits the commissioner from issuing a driver's license or photo ID card until all the information required in the application to establish the applicant's identify has been provided and reviewed according to methods and procedures he establishes. If a license applicant meets the requirements necessary to qualify for licensure and pays the appropriate fees, the commissioner may issue him a temporary license, pending verification of the information pertaining to his identity. The temporary license is valid for a maximum of 60 days and its face must bear the legend "Temporary" and its expiration date. The commissioner may put a picture of the applicant on the temporary license, at his discretion.

The permanent license or ID card issued to the applicant must contain his picture, which may be in the form of a computerized image or may be created and stored by other electronic means or methods. If the commissioner believes that an applicant already been issued a license or ID card, or if the applicant's picture is contained in the electronic record of a license or ID card issued to someone else, he may refuse to issue the requested document or may suspend or revoke one that he has already issued, or both.

If the commissioner believes that someone holds more than one license or ID card, other than a validly issued duplicate license, the bill

requires him to suspend or revoke all the licenses or ID cards issued to the person, in addition to any other actions authorized by law.

§ 9 – Motor Vehicle Emissions Inspection Crimes

OFA Fiscal Impact:

State Impact:

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Department of Motor Vehicles	TF - None	None	None
Judicial Dept.	Various - Revenue Gain	Potential	Potential
Criminal Justice Agencies	GF - Cost	Potential	Potential

Note: TF=Transportation Fund; GF=General Fund

Municipal Impact: None

Explanation

The bill is not anticipated to result in any fiscal impact to the Department of Motor Vehicles. The bill establishes a motor vehicle emissions inspection crime. To the extent that this change increases the likelihood that offenders would be prosecuted or receive harsher penalties, a potential revenue gain from criminal fines and potential cost for incarceration and/or probation supervision in the community exists. On average, it costs the state \$2,150 to supervise an offender on probation in the community as compared to \$35,040 to incarcerate the offender (note that both figures include fringe benefits).

OLR Analysis

The bill creates five motor vehicle emissions inspection-related crimes and designates them as class D felonies. The five crimes are:

1. fraudulent testing—when someone knowingly performs or causes an official emissions inspection to be performed through any manner or means that allows the vehicle to pass or to fail without regard to the actual inspection results that are or would

be obtained by following established standards and procedures;

2. test data manipulation—when someone with access to the DMV’s electronic database for performing inspections knowingly enters and transmits, or causes to be entered and transmitted, information concerning the vehicle or the inspection that is false or inapplicable to the vehicle identified in the transmission;
3. bribery concerning an emissions inspection—when someone promises, offers, confers, or agrees to confer upon an official emissions inspection station or person authorized to conduct inspections any benefit (monetary advantage, or anything regarded by the beneficiary as such, including benefit to someone in whose welfare the beneficiary is interested) as a consideration for the recipient’s action of obtaining or attempting to obtain a passing inspection result;
4. bribe receiving concerning an emissions inspection—when someone solicits, accepts, or agrees to accept from someone else any benefit for, because of, or as a consideration for the person’s action of obtaining or attempting to obtain a passing inspection result; and
5. coercion of repairs concerning an emissions inspection—when someone acting by or on behalf of an official emissions inspection station, or claiming authority to act in that capacity, makes a demand that an inspection station repair a vehicle as a condition of the station’s performance of an inspection.

With respect to the crime of coercion of repairs, the bill defines a “demand” to include any statement to the effect that a vehicle will not, or is not likely to pass, inspection unless the inspection station first makes repairs, but not a statement concerning the need for repairs if it includes the advice that the repairs may be made by the vehicle’s owner or custodian or by a firm he chooses.

§ 12 – DMV Administrative Hearings for Aggrieved Parties

OFA Fiscal Impact:

State Impact:

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Department of Motor Vehicles	TF - None	None	None

Note: TF=Transportation Fund

Municipal Impact: None

Explanation

This section of the bill is not anticipated to result in any fiscal impact to the Department of Motor Vehicles. The department will be able to accommodate any additional administrative functions resulting from passage of the bill within its anticipated budgetary resources.

OLR Analysis

The bill requires DMV to provide an administrative hearing to anyone aggrieved by a decision the commissioner makes pursuant to the existing and new requirements imposed by the bill relating to driver's licenses, non-driver photo ID cards, license fraud, and unlawful activities relating to the issuance of licenses and ID cards.

§ 13 – Criminal History Checks for Prospective DMV Employees

OFA Fiscal Impact:

State Impact:

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Department of Motor Vehicles	TF - None	None	None

Note: TF=Transportation Fund

Municipal Impact: None

Explanation

This section of the bill is not anticipated to result in any fiscal impact

to the Department of Motor Vehicles. The job applicant would pay any costs for criminal check.

OLR Analysis

The bill requires the DMV to require any applicant for a position with the department to state whether he has ever been convicted of a crime or if there are criminal charges pending against him at the time he is applying. If criminal charges are pending against the applicant, he must identify the charges and the court in which they are pending. If offered employment with DMV, the bill requires the applicant to be fingerprinted and to submit to a state and national criminal history records check conducted pursuant to state law.

The motor vehicle commissioner must adopt implementing regulations.

§ 14 – Transfers from the Special Transportation Fund to the Emissions Enterprise Fund

OFA Fiscal Impact:

State Impact:

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Department of Motor Vehicles	TF - Gain	\$4.9 Million	\$2.5 Million
Emissions Enterprise Fund, DMV	SF - Loss	(\$4.9 Million)	(\$2.5 Million)

Note: TF=Transportation Fund; Special Fund (Non-appropriated)

Municipal Impact: None

Explanation

This section of the bill reduces the annualized transfer from the Transportation Fund to the Emissions from \$6.5 million to \$1.6 million in FY 06 and from \$6.5 million to \$4 million in FY 07.

OLR Analysis

Currently, \$1,625,000 collected from the \$10 Clean Air Act fee (collected at time of registration renewal) and the emissions inspection late fees must be transferred from the Special Transportation Fund to the Emissions Enterprise Fund on the first day of each calendar quarter. For the four transfers required in FY 06, the bill reduces the quarterly transfer from \$1.625 million to \$400,000. For the four required transfers in FY 07, the bill reduces the quarterly transfer from \$1.625 million to \$1.0 million. Thereafter, beginning on July 1, 2007, the quarterly transfers return to \$1.625 million.

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute
Yea 29 Nay 0